

UNITED STATES DISTRICT COURT

for the
District of New Mexico



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
1904 Bryn Mawr PI NE, Albuquerque NM

Case No. **22 MR 1684**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

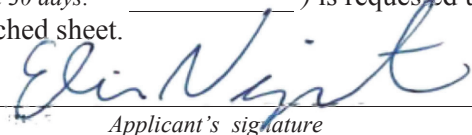
The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2113	Bank Robbery

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Elia Viramontes, FBI Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephonically sworn and electronically signed (specify reliable electronic means).

Date: 11/09/2022

City and state: Albuquerque, NM


Judge's signature

Jerry H. Ritter, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

INTRODUCTION

1. I, Elia Viramontes, Special Agent of the Federal Bureau of Investigation (FBI), being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at **1904 Bryn Mawr PL NE, Albuquerque, New Mexico 87106** (hereinafter referred to as the “Subject Premises”) for FBI fugitive JASON SMELTZER (SMELTZER). More detailed descriptions and photographs of the Subject Premises and SMELTZER have been attached hereto in Attachment A and B.

PURPOSE OF THE AFFIDAVIT

2. This affidavit seeks a search warrant to allow the FBI to enter the Subject Premises to search for SMELTZER, who is currently wanted by the FBI Albuquerque Field Office for five counts of Bank Robbery. Should SMELTZER not be at the Subject Premises when the warrant is served, I am requesting permission to search the premises for evidence of his current whereabouts.

AFFIANT’S RELEVANT TRAINING AND EXPERIENCE

3. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since April of 2021. I have been a sworn law enforcement officer for approximately 7 years, serving as a police officer and special agent. I am currently assigned to the FBI Gang Task Force (VGTF) in Albuquerque, New Mexico (NM). Prior to my assignment to the VGTF, I was assigned to the Violent Crime Task Force (VCTF) where I primarily investigated Bank Robberies. Over the course of my career, I have arrested hundreds of individuals for crimes ranging from homicide, narcotics violations, robbery, assault and battery, and other violent crimes. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws. While employed by the FBI, I have gained experience through my training at the FBI Academy, Quantico, Virginia.

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I have received training in a variety of investigations and legal matters, including drafting and executing search and arrest warrants.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

4. On February 23, 2022, Jason SMELTZER was arrested by Albuquerque Police Department for committing five bank robberies in the city of Albuquerque, NM. During a Post-*Miranda* interview SMELTZER confessed to all five bank robberies that took place in a span of a month (January 21, 2022, to February 23, 2022). He admitted to using his mother's vehicle, a gray Hyundai Sonata, as his getaway vehicle for all five robberies. The charges against Jason SMELTZER were dismissed in the State of New Mexico and the FBI charged SMELTZER with five counts of Bank Robbery on February 25, 2022. SMELTZER was arrested by the FBI on March 22, 2022. During a detention hearing on March 25, 2022, SMELTZER was released from custody on Pretrial conditions. SMELTZER was placed in La Pasada Halfway House, with a GPS bracelet. On May 6, 2022, SMELTZER was submitted to a drug test that yielded a preliminary positive result for fentanyl. SMELTZER denied the use of drugs and later that day removed his GPS bracelet and left the La Pasada Halfway House without permission. Honorable U.S. Magistrate Kritan Khalsa issued an arrest warrant for SMELTZER (22CR00582) on May 6, 2022.

5. FBI Agents checked SMELTZER's primary residence at 3208 Madeira Dr. NE, Albuquerque, NM 87110, after the arrest warrant was issued. Neighbors advised agents that SMELTZER had not returned to the location since the day of his arrest. Neighbors also pointed out that SMELTZER's mother was hardly ever at the residence. A query of databases available to and relied upon by law enforcement (such as LexisNexis and Accurint¹) revealed SMELTZER has

¹ LexisNexis and Accurint are locate-and-research tools available to government and commercial customers that collect, and store information related to public and non-public records, as well as information intended to be used by debt collectors to locate individuals and assets.

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a relative that resides at the Subject Premises. From June 2022 to September 2022, FBI agents and Task Force Officers (TFO) had surveilled the Subject Premises. On multiple occasions a gray Hyundai Sonata, with NM license plate number BDND86, was observed at the Subject Premises. The gray Hyundai Sonata belongs to SMELTZER's mother. The same vehicle used in the bank robberies.

6. On September 22, 2022, TFO Maestas was conducting surveillance at the Subject Premises. At approximately 1500 hours TFO Maestas observed SMELTZER exiting the Subject Premises and entered the driver side of the gray Hyundai Sonata license plate number BDND86, SMELTZER was the only occupant of the vehicle. TFO Maestas observed SMELTZER drive the vehicle from the Subject Premises to the Lovelace Women's Hospital, located at 4705 Montgomery Blvd. NE, Albuquerque, NM 87109. TFO Maestas lost visual of SMELTZER at the hospital parking lot.

7. On October 31, 2022, an unarmed surveillance team was assigned to monitor the Subject Premises to determine the whereabouts of SMELTZER. On the same day surveillance team observed SMELTZER leaving the Subject Premises at approximately 10:15 a.m. in the gray Hyundai Sonata, the vehicle was operated by a female and SMELTZER was a passenger. SMELTZER and the driver made multiple stops to include Lovelace Women's Hospital Outpatient Rehabilitation, Candlelight Square Apartment Homes, Nusenda Credit Union, and Arioso Apartments, before returning to the Subject Premises at approximately 1:05 p.m. and was not seen leaving the location for the rest of the day.

8. On November 7, 2022, the surveillance team observed SMELTZER departing the Subject Premises at approximately 1:54 p.m. and was the sole occupant of the vehicle. SMELTZER stopped at a Circle K gas station and Smith's store. At approximately 2:40 p.m.

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SMELTZER returned to the Subject Premises and was not observed the rest of the day leaving the location. On November 8, 2022, at approximately 9:00 a.m. SMELTZER departed the Subject Premises in the Hyundai Sonata as the sole occupant, he went to Arioso Apartments. At approximately 9:17 a.m. SMELTZER returned to the Subject Premises. SMELTZER was not observed leaving the Subject Premises at approximately 3:18 p.m. enroute to Circle K in the Hyundai Sonata. He exited the Circle K with cigarettes and departed the location at approximately 3:39 p.m. enroute to Arioso Apartments. SMELTZER departed the Arioso Apartments at approximately 4:05 p.m. and returned to the Subject Premises. He was not seen leaving the Subject Premises for the remaining of the day.

9. Based on the observations of the surveillance team, Agents believe SMELTZER is staying at the Subject Premises to avoid law enforcement at his primary residence. FBI Special Agents will attempt to arrest SMELTZER at the Subject Premises at a time Agents believe he is there. Should SMELTZER not be at the Subject Premises when the warrant is served, I request that agents be permitted to conduct a limited search of the premises for items that may document, record or depict SMELTZER's current whereabouts. My training and experience indicate persons often leave evidence of their daily schedules, activities, travel patterns, appointments, planned outings, meetings, and social or business interactions in the normal course of living within their premises. Furthermore, personal calendars, appointment books, telephone books, address books, notes, notebooks, mail, photographs, phone messages, credit card receipts, statements, bank receipts and statements, telephone statements, hotel or motel receipts, room keys, business cards, travel itinerary, restaurant receipts, airplane tickets and/or other notations pertaining to the defendant's current location may aid agents in locating and arresting SMELTZER.

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THE SUBJECT PREMISES

10. The Subject Premises is located at **1904 Bryn Mawr PL NE, Albuquerque, New Mexico 87106**, and may be described as a single-story residence green in color. The front door is brown in color and roll-up garage door is white in color. The numbers 1904 are posted to the right side of the curb on white paint. Color photographs of the location have been included in Attachment A. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.²

CONCLUSION

11. Based on the aforementioned information, I submit that probable cause exists to search the Subject Premises, further described in Attachment A, for SMELTZER or evidence of his current whereabouts, further identified and described in Attachment B; pursuant to Rule 41 of the Federal Rules of Criminal Procedure. This affidavit has been reviewed by Assistant United States Attorney Matthew Nelson of the District of New Mexico.

² Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.


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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Elia Viramontes", written over a horizontal line.

Elia Viramontes
Special Agent
Federal Bureau of Investigation

ELECTRONICALLY SUBSCRIBED AND SWORN BEFORE ME ON November 9,
2022.

A handwritten signature in black ink, appearing to read "Jerry H. Ritter", written over a horizontal line.

HONORABLE JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO

ATTACHMENT A
Premises to be Searched

1. The subject premises is located at **1904 Bryn Mawr PL NE, Albuquerque, New Mexico 87106**, and may be described as a single-story residence with green siding, brown front door, and white garage door. The numbers 1904 are posted on the front of the residence next to the front door and on the curb next to the driveway entrance. Color photographs are posted below.
2. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises¹.

8/01/2022 Surveillance Photo



¹ Only vehicles parked at or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

ATTACHMENT B
Person to be Seized

1. **Person to be Seized:** JASON SMELTZER (born in 1982) who currently resides at 1904 Bryn Mawr Pl NE, Albuquerque NM 87106 and is depicted in the photograph below.

2/23/2022 Booking Photo



Driver's License Photo

